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10/647,141	08/25/2003	Toni Maki	60282.00091	1046
32294 7590 05/30/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212			EXAMINER MOORE, IAN N	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,141

Applicant(s)

MAKI ET AL.

Examiner

IAN N. MOORE

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 13-26 are objected to because of the following informalities:

Claim 13 recites, “**an** intercepting node” in lines 1 and 3. For consistency and clarity, it is suggested to change “**an** intercepting node” in line 3, to “**the** intercepting node”.

Claim 13 recites, “**an** intercepting management element” in lines 2 and 5. For consistency and clarity, it is suggested to change “**an** intercepting management element” in line 5, to “**the** intercepting management element”.

Claims 14-26 are also objected since they are depended upon objected claim 13 as set forth above.

Appropriate correction is required.

Claim Rejections - 35 USC § 102 (b)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 13, 18, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by 3GPP TS 33.107 (3GPP 3G security, Lawful Interception Architecture and Function Standard).

Regarding Claim 1, 3GPP TS 33.107 discloses a method for intercepting sessions (see FIG. 1,2,18, 20, Lawful Interception system processing the functions steps/method), comprising the steps of:

identifying (see FIG. 18, 20, selection/identification mechanism in GSN node) a packet of a session to be intercepted based on media component information of the session (section 5, 5.1.1, 5.1.2, 5.1.3, 7; GSN selects/identifies the identities of a target packet of a subscriber's communication session to be intercepted according to means-for-communication/media IMSI, MSISDN or IMEI information of the communication session); and

if the packet to be intercepted is identified, providing duplicated packets of the session to an interception management element (see FIG. 18, 20, GSN delivering duplicates packets of the subscriber's communication session to LEA when a target packet to be intercept is identified; see section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

Regarding Claim 6, 3GPP TS 33.107 discloses wherein the identifying step comprises identifying the packet to be intercepted based on the media component information comprising user level media component information (section 5, 5.1.1, 5.1.2, 5.1.3, 7; IMSI (International Mobile Subscriber Identify), MSISDN (Mobile Station Integrated Service Digital Network), or IMEI (International Mobile Equipment Identity) are user level identification of means-for-communication/media information).

Regarding Claim 13, 3GPP TS 33.107 discloses a system for intercepting sessions (see FIG. 1, 2, 18, 20, Lawful Interception system) comprising an intercepting node (see FIG. 18, 20, 3G GSN node) and an intercepting management element (see FIG. 18, 20, a combined system of delivery function (DF) and Law Enforcement Authority (LEA)); see section 4; section 5, 5.1.1, 5.1.2, 5.1.3; section 7, 7.2, 7.3, 7.3.1, wherein

an intercepting node (see FIG. 18, 20, GSN node) is configured to identify a packet of a session to be intercepted based on media component information of the session (section 5, 5.1.1,

5.1.2, 5.1.3, 7; GSN selects/identifies the identities of a target packet of a subscriber's communication session to be intercepted according to means-for-communication/media IMSI, MSISDN or IMEI information of the communication session), and

to provide duplicated packets of the session to an interception management element if the packet to be intercepted is identified (see FIG. 18, delivering duplicates packets of the subscriber's communication session to LEA when a target packet to be intercept is identified; see section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

Regarding Claim 18, 3GPP TS 33.107 discloses wherein the media component information comprising user level media component information (section 5,5.1.1,5.1.2,5.1.3, 7; IMSI (International Mobile Subscriber Identify), MSISDN (Mobile Station Integrated Service Digital Network), or IMEI (International Mobile Equipment Identity) are user level identification of means-for-communication/media information).

Regarding Claim 27, 3GPP TS 33.107 discloses a system processing the methods/steps for intercepting sessions (see FIG. 1,2,18, 20, Lawful Interception system), the system comprising:

identification means (see FIG. 18, 20, selection/identification mechanism in GSN node) for identifying a packet of a session to be intercepted based on media component information of the session (section 5, 5.1.1, 5.1.2, 5.1.3, 7; GSN selects/identifies the identities of a target packet of a subscriber's communication session to be intercepted according to means-for-communication/media IMSI, MSISDN or IMEI information of the communication session); and providing means (see FIG. 18, 20, delivering mechanism in GSN node), if the packet to be intercepted is identified, providing duplicated packets of the session to an interception

management element (see FIG. 18, delivering duplicates packets of the subscriber's communication session to LEA when a target packet to be intercept is identified; see section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP TS 33.107 in view of Oyama (US 2002/0068454).

Regarding Claim 2, 3GPP TS 33.107 discloses wherein the identifying step comprises identifying the packet to be intercepted based on the media component information as set forth above in claim 1.

3GPP TS 33.107 does not explicitly disclose “a multimedia level session identification and a control level media component identification associated to the multimedia level session identification”.

However, Oyama discloses the media component information comprising a multimedia level session identification (see page 6, paragraph 72; see page 7, paragraph 75; see page 9, paragraph 118-119; see page 11, paragraph 131,132; see page 12, paragraph 145; IP base multimedia section identifier) and a control level media component identification associated to

the multimedia level session identification (see page 6, paragraph 72; see page 12, paragraph 145; flow identifier related to section identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “a multimedia level session identification and a control level media component identification associated to the multimedia level session identification”, as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 3, 3GPP TS 33.107 discloses wherein the identifying step comprises identifying the packet to be intercepted based on the media component information as set forth above in claim 1 and 2.

3GPP TS 33.107 does not explicitly disclose “a multimedia level session identification comprising an authorization token”.

However, Oyama discloses the media component information comprising a multimedia level session identification comprising an authorization token (see page 6, paragraph 72; see page 7, paragraph 75; see page 9, paragraph 118-119; see page 11, paragraph 131,132; see page 12, paragraph 145; a token used for authorization/identification).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “a multimedia level session identification comprising an authorization token”, as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 4, 3GPP TS 33.107 discloses wherein the identifying step comprises identifying the packet to be intercepted based on the media component information as set forth above in claim 1 and 2.

3GPP TS 33.107 does not explicitly disclose “a multimedia level session identification comprising a multimedia charging identifier”.

However, Oyama discloses the media component information comprising a multimedia level session identification comprising charging identifier (see page 7, paragraph 75-79; see page 9, paragraph 118; see page 10, paragraph 123-129; see page 11, paragraph 130-135; see page 12, paragraph 139-145; see page 13, paragraph 170; IP base multimedia charging identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “a multimedia level session identification comprising an authorization token”, as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 5, 3GPP TS 33.107 discloses wherein the identifying step comprises identifying the packet to be intercepted based on a control level media component identification as set forth above in claim 1 and 2.

3GPP TS 33.107 does not explicitly disclose “a control level media component identification comprising a flow identifier”.

However, Oyama a control level media component identification comprising a flow identifier (see page 6, paragraph 72; see page 12, paragraph 145; flow identifier related to section identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “a control level media component identification comprising a flow identifier”, as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 14, 3GPP TS 33.107 discloses identifying the packet to be intercepted based on the media component information as set forth above in claim 13.

3GPP TS 33.107 does not explicitly disclose “a multimedia level session identification and a control level media component identification associated to the multimedia level session identification”.

However, Oyama discloses the media component information comprising a multimedia level session identification (see page 6, paragraph 72; see page 7, paragraph 75; see page 9, paragraph 118-119; see page 11, paragraph 131,132; see page 12, paragraph 145; IP base multimedia section identifier) and a control level media component identification associated to the multimedia level session identification (see page 6, paragraph 72; see page 12, paragraph 145; flow identifier related to section identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “a multimedia level session identification and a control level media component identification associated to the multimedia level session identification”, as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 15, 3GPP TS 33.107 discloses identifying the packet to be intercepted based on the media component information as set forth above in claim 13.

3GPP TS 33.107 does not explicitly disclose “a multimedia level session identification comprising an authorization token”.

However, Oyama discloses the media component information comprising a multimedia level session identification comprising an authorization token (see page 6, paragraph 72; see page 7, paragraph 75; see page 9, paragraph 118-119; see page 11, paragraph 131,132; see page 12, paragraph 145; a token used for authorization/identification).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “a multimedia level session identification comprising an authorization token”, as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 16, 3GPP TS 33.107 discloses identifying the packet to be intercepted based on the media component information as set forth above in claim 13.

3GPP TS 33.107 does not explicitly disclose “a multimedia level session identification comprising a multimedia charging identifier”.

However, Oyama discloses the media component information comprising a multimedia level session identification comprising charging identifier (see page 7, paragraph 75-79; see page 9, paragraph 118; see page 10, paragraph 123-129; see page 11, paragraph 130-135; see page 12, paragraph 139-145; see page 13, paragraph 170; IP base multimedia charging identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “a multimedia level session identification comprising an authorization token”, as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 17, 3GPP TS 33.107 discloses identifying the packet to be intercepted based on a control level media component identification as set forth above in claim 1.

3GPP TS 33.107 does not explicitly disclose “a control level media component identification comprising a flow identifier”.

However, Oyama a control level media component identification comprising a flow identifier (see page 6, paragraph 72; see page 12, paragraph 145; flow identifier related to section identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “a control level media component identification comprising a flow identifier”, as taught by Oyama in the system of 3GPP TS 33.107, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

6. Claims 7-9 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP TS 33.107 in view of Laiho (US 20060264200A1).

Regarding Claim 7, 3GPP TS 33.107 discloses activating the interception (see section 5.1, 5.1.1-5.1.3; see section 7.3.2; activation the interception), which is performed before the identifying step and in which the media component information are obtained from a procedure in which a target to be intercepted is participating (see FIG. 20-21, Intercepted subscriber; see section 5.5.1, 5.1.1, 5.1.2, 5.1.3; section 7.7.27.3, 7.3.2, 7.4.1-7.4.4; activation the intercepting is occurred before GSN selecting step and in which the means-for-communication/media IMSI, MSISDN or IMEI information are received/obtained from PDP context activation/MS-attached event/procedure in which an intercepted subscriber is involving).

3GPP TS 33.107 does not explicitly disclose “session initiating”.

However, utilizing session initiation procedure (SIP) in wireless communication is so well known in the art. In particular, Laiho teaches activating the interception, which is performed before the identifying step and in which the media component information are obtained from a session initiating procedure in which a target to be intercepted is participating (see FIG. 6, activation the intercepting is performed before GPRS identification step and in which multimedia information in the packet are received from Session Initiating procedure (SIP) in which a participating terminal is involved; see page 3, paragraph 48-49.; see page 4, paragraph 51-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “session initiating” of SIP, as taught by Laiho in the system of 3GPP TS 33.107, so that it would provide enhance monitoring equipment that monitored and communicates multimedia calls; see Laiho page 1, paragraph 7-15.

Regarding Claim 8, 3GPP TS 33.107 discloses wherein the activating step comprises obtaining the media component information from user plane data (see section 5.1, 5.1.1-5.1.3; see section 7.3.2; receiving/obtaining means-for-communication/media information from target user’s IMSI, MSISDN or IMEI data). Also, Laiho discloses obtaining the media component information from user plane data (see page 3, paragraph 48-49; see page 4, paragraph 51-67; multimedia information are received from the SIP data, where user plane data are transmitted in SIP procedure).

Regarding Claim 9, 3GPP TS 33.107 discloses wherein the activating step comprises obtaining the media component information from session establishing messages (see section 5.1, 5.1.1-5.1.3; see section 7.3.2; receiving/obtaining means-for-communication/media information

from PDP context activation messages). Laiho also discloses obtaining the media component information from session establishing messages (see page 3, paragraph 46-49; see page 4, paragraph 51-67; multimedia information are received from SIP signaling message used to established the session).

Regarding Claim 19, 3GPP TS 33.107 discloses an intercepting activation element which is configured to activate the intercepting (see section 5.1, 5.1.1-5.1.3; see section 7.3.2; FIG. 3,4,18, 20, activation the interception means GSN node), wherein the media component information are obtained from a procedure in which a target to be intercepted is participating (see FIG. 20-21, Intercepted subscriber; see section 5.5.1,5.1.1,5.1.2,5.1.3; section 7.7.27.3,7.3.2, 7.4.1-7.4.4; activation the intercepting is occurred before GSN selecting step and in which the means-for-communication/media IMSI, MSISDN or IMEI information are received/obtained from PDP context activation/MS-attached event/procedure in which an intercepted subscriber is involving).

3GPP TS 33.107 does not explicitly disclose "session initiating".

However, utilizing session initiation procedure (SIP) in wireless communication is so well known in the art. In particular, Laiho teaches an interception activation element which is configured to activate the interception, wherein the media component information are obtained from a session initiating procedure in which a target to be intercepted is participating (see FIG. 6, activation the intercepting means activates the interception and multimedia information in the packet are received from Session Initiating procedure (SIP) in which a participating terminal is involved; see page 3, paragraph 48-49; see page 4, paragraph 51-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “session initiating”, as taught by Laiho in the system of 3GPP TS 33.107, so that it would provide enhance monitoring equipment that monitored and communicates multimedia calls; see Laiho page 1, paragraph 7-15.

Regarding Claim 20, 3GPP TS 33.107 discloses wherein the activating element is configured to obtain the media component information from user plane data (see section 5.1, 5.1.1-5.1.3; see section 7.3.2; receiving/obtaining means-for-communication/media information from target user’s IMSI, MSISDN or IMEI data). Laiho also discloses the activation element is configured to obtain the media component information from user plane data (see page 3, paragraph 48-49; see page 4, paragraph 51-67; multimedia information are received from the SIP data, where user plane data are transmitted in SIP procedure).

Regarding Claim 21, 3GPP TS 33.107 discloses wherein the activating element is configured to obtain the media component information from session establishing messages (see section 5.1, 5.1.1-5.1.3; see section 7.3.2; receiving/obtaining means-for-communication/media information from PDP context activation messages). Laiho also discloses the activating element is configured to obtain the media component information from session establishing messages (see page 3, paragraph 46-49; see page 4, paragraph 51-67; multimedia information are received from SIP signaling message used to established the session).

7. Claims 10, 11, 22, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP TS 33.107 in view of Temoshenko (US007046663B1).

Regarding Claim 10, 3GPP TS 33.107 discloses selecting specific data packet with specific identity is to be intercepted as set forth above in claim 1, and thus it is clear there are other data packets that are not selected to be intercepted.

3GPP TS 33.107 does not explicitly disclose “filter out”.

However, obviously filtered-out packets are the packets, which are not selected to be intercepted. In particular, Temoshenko teaches filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to “filter out” by not intercepting, as taught by Temoshenko in the system of 3GPP TS 33.107, so that it would provide effective intercepting of packets; see Temoshenko col. 1, line 60-67.

Regarding Claim 11, 3GPP TS 33.107 discloses selecting specific media component in the packet with specific identity in a specific communication section is to be intercepted as set forth above in claim 1 and 13, and thus it is clear there are other media component in other packets in not belong to the same communication sessions (i.e. belongs to different session) are not selected to be intercepted.

3GPP TS 33.107 does not explicitly disclose “filtering out data not to be intercepted”.

However, as set forth above filtered-out packets are obviously the packets that are not selected to be intercepted. In particular, Temoshenko teaches filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to “filter out by not intercepting”, as taught by Temoshenko in the system of 3GPP TS 33.107 so that it would provide effective intercepting of packets; see Temoshenko col. 1, line 60-67.

Regarding Claim 22, 3GPP TS 33.107 discloses selecting specific data packet with specific identity is to be intercepted as set forth above in claim 13, and thus it is clear there are other data packets that are not selected to be intercepted.

3GPP TS 33.107 does not explicitly disclose “filter element to filter out”.

However, obviously filtered-out packets are the packets, which are not selected to be intercepted. In particular, Temoshenko teaches a filter element (see FIG. 18,19,20,GSN node with intercept_off means) filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to filter out by not intercepting, as taught by Temoshenko in the system of 3GPP TS 33.107, so that it would provide effective intercepting of packets; see Temoshenko col. 1, line 60-67.

Regarding Claim 23, 3GPP TS 33.107 discloses selecting specific media component in the packet with specific identity in a specific communication section is to be intercepted as set forth above in claim 13, and thus it is clear there are other media component in other packets in not belong to the same communication sessions (i.e. belongs to different session) are not selected to be intercepted.

3GPP TS 33.107 does not explicitly disclose “filtering out data not to be intercepted”.

However, as set forth above filtered-out packets are obviously the packets that are not selected to be intercepted. In particular, Temoshenko teaches filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to filter out by not intercepting, as taught by Temoshenko in the system of 3GPP TS 33.107 so that it would provide effective intercepting of packets; see Temoshenko col. 1, line 60-67.

Regarding Claim 25, 3GPP TS 33.107 discloses the selecting element is included in the intercepting node (see FIG. 18, GSN node; see section 7, selection mechanism is included in the GSN node). 3GPP TS 33.107 discloses there are other media component in other packets in not belong to the same communication sessions (i.e. belongs to different session) are not selected to be intercepted.

3GPP TS 33.107 does not explicitly disclose “a filter element”.

However, as set forth above filtered-out packets are obviously the packets that are not selected to be intercepted. In particular, Temoshenko teaches the filter element included in the node (see FIG. 2, forwarding processor 32 is included in the packet node; see col. 3, line 3-10) filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “filter element”, as taught by Temoshenko in the system of

3GPP TS 33.107, so that it would provide effective intercepting of packets; see Temoshenko col. 1, line 60-67.

Regarding Claim 26, 3GPP TS 33.107 discloses the selecting element comprises a node separated from the intercepting node (see FIG. 18, GSN node comprises GGSN or SGSN nodes per section 3.2; see section 7, if GGSN is used as intercept node, then selection mechanism is included in the SGSN node, which is separate from GGSN node). 3GPP TS 33.107 discloses there are other media component in other packets in not belong to the same communication sessions (i.e. belongs to different session) are not selected to be intercepted.

3GPP TS 33.107 does not explicitly disclose “the filter element”.

However, as set forth above filtered-out packets are obviously the packets that are not selected to be intercepted. In particular, Temoshenko teaches the filter element included in other node (see FIG. 2, forwarding processor 32 is included in the packet node; see col. 3, line 3-10) filtering out data not to be intercepted (see FIG. 4-5, IP packet with Intercept_OFF packet are not intercepted; see col. 4, line 4-27; see col. 5, line 15 to col. 6, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “filter element”, as taught by Temoshenko in the system of 3GPP TS 33.107 so that it would provide effective intercepting of packets; see Temoshenko col. 1, line 60-67.

8. Claim 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP TS 33.107 in view of Temoshenko as applied to claim 10 and 22 above, and further in view of Oyama.

Regarding Claim 12, the combined system of 3GPP TS 33.107 and Temoshenko discloses wherein the providing step comprises performing the filtering based on media component as set forth above in claim 10.

Neither 3GPP TS 33.107 nor Temoshenko explicitly disclose “identification or charging identifiers”.

However, Oyama discloses media component identification or charging identifiers (see page 7, paragraph 75-79; see page 9, paragraph 118; see page 10, paragraph 123-129; see page 11, paragraph 130-135; see page 12, paragraph 139-145; see page 13, paragraph 170; IP base multimedia charging identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “a charging identifier”, as taught by Oyama, in the combined system of 3GPP TS 33.107 and Temoshenko, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Regarding Claim 24, the combined system of 3GPP TS 33.107 and Temoshenko discloses wherein the filter element is configured to filter out the data not to be intercepted based on media component as set forth above in claim 22.

Neither 3GPP TS 33.107 nor Temoshenko explicitly disclose “identification or charging identifiers”.

However, Oyama discloses media component identification or charging identifiers (see page 7, paragraph 75-79; see page 9, paragraph 118; see page 10, paragraph 123-129; see page 11, paragraph 130-135; see page 12, paragraph 139-145; see page 13, paragraph 170; IP base multimedia charging identifier).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “a charging identifier”, as taught by Oyama, in the combined system of 3GPP TS 33.107 and Temoshenko, so that it would provide multimedia service to end users and enforce policy; see Oyama page 5, paragraph 63-64.

Response to Arguments

9. Applicant's arguments filed 11-2-2007 have been fully considered but they are not persuasive.

Regarding claims 1, 13 and 27, the applicant argued that, “...3GPP does not teach or suggest identifying a packet of a session to be intercepted based on media component information as recited in **claim 1**...**claim 13**...recites a system that includes an intercepting node is configured to identify a packet of a session to be intercepted based on media component information of the session, and to provide duplicated packets of the session to an interception management element if the packet to be intercepted is identified...**claim 27** recite a system which identification means for identifying a packet of a session to intercepted based on media component information of the session...providing means, if the packet to be intercepted is identified, providing means for providing duplicated packets of the session to an interception management element...3GPP fails to disclose or suggest all of the element of the claims, and therefore fails to provide the features discussed above...these identify parameters only serve to identify a user, and do not teach or suggest any type of media component information...does not define that packets to be intercepted are identified based on media component information as recited in claim 1” in pages 8-11.

In response to applicant's argument, the examiner respectfully disagrees with the argument above.

Regarding Claim 1, 3GPP TS 33.107 discloses a method for intercepting sessions (see FIG. 1,2,18, 20, Lawful Interception system processing the functions steps/method), comprising the steps of:

identifying (see **FIG. 18, 20, selection/identification mechanism in GSN node**) a packet of a session to be intercepted based on media component information of the session (section 5, 5.1.1, 5.1.2, 5.1.3, 7; **GSN selects/identifies the identities of a target packet of a subscriber's communication session to be intercepted according to means-for-communication/media IMSI, MSISDN or IMEI information of the communication session**); and

if the packet to be intercepted is identified, providing duplicated packets of the session to an interception management element (see **FIG. 18, 20, GSN delivering duplicates packets of the subscriber's communication session to LEA when a target packet to be intercept is identified**; see section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).

Regarding Claim 13, 3GPP TS 33.107 discloses a system for intercepting sessions (see FIG. 1,2,18, 20, Lawful Interception system) comprising an intercepting node (see FIG. 18, 20, 3G GSN node) and an intercepting management element (see FIG. 18, 20, a combined system of delivery function (DF) and Law Enforcement Authority (LEA)); see section 4; section 5, 5.1.1, 5.1.2, 5.1.3; section 7, 7.2, 7.3, 7.3.1), wherein

an intercepting node (see **FIG. 18, 20, GSN node**) is configured to identify a packet of a session to be intercepted based on media component information of the session (section 5, 5.1.1,

5.1.2, 5.1.3, 7; GSN selects/identifies the identities of a target packet of a subscriber's communication session to be intercepted according to means-for-communication/media IMSI, MSISDN or IMEI information of the communication session), and

to provide duplicated packets of the session to an interception management element if the packet to be intercepted is identified (see **FIG. 18, delivering duplicates packets of the subscriber's communication session to LEA when a target packet to be intercept is identified; see section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).**

Regarding Claim 27, 3GPP TS 33.107 discloses a system processing the methods/steps for intercepting sessions (see **FIG. 1,2,18, 20, Lawful Interception system**), the system comprising:

identification means (see **FIG. 18, 20, selection/identification mechanism in GSN node**) for identifying a packet of a session to be intercepted based on media component information of the session (**section 5, 5.1.1, 5.1.2, 5.1.3, 7; GSN selects/identifies the identities of a target packet of a subscriber's communication session to be intercepted according to means-for-communication/media IMSI, MSISDN or IMEI information of the communication session**); and

providing means (see **FIG. 18, 20, delivering mechanism in GSN node**), if the packet to be intercepted is identified, providing duplicated packets of the session to an interception management element (see **FIG. 18, delivering duplicates packets of the subscriber's communication session to LEA when a target packet to be intercept is identified; see section 7.2, 7.2.1, 7.3, 7.3.1, 7.3.2).**

In response to argument to identifiers, first applicant broadly claimed invention does not any specific “type” of media component information. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Accordingly, examiner asserts, *inter alia*, applicant’s broadly claimed limitation “media component information” as “means-for-communication/media IMSI, MSISDN or IMEI information” as set forth above. A target packet of a subscriber’s communication session is identified according to or based on “means-for-communication/media IMSI, MSISDN or IMEI information” of the packet. Otherwise, one will not know which subscriber’s communication session or which target packet to be intercepted. **Thus, it is very clear that examiner assertion to applicant’s broadly claimed limitation is proper since the claim invention is clearly anticipated well established prior art 3GPP standard.**

Regarding claims 2-12, 14-26 the applicant argued that, “...3GPP does not disclose all of the subject matter recited in claim 1, and similarly in claim 13 and 27. By virtue of dependency, claims 2-12 and 14-26 are also allowable over 3GPP...” in page 11.

In response to applicant’s argument, the examiner respectfully disagrees with the argument above since 3GPP TS 33.107 clearly discloses the broadly claimed invention recited in claims 1, 13 and 27 as set forth above. Thus, by virtue of dependency, claims 2-12 and 14-26 are not allowable over 3GPP.

Regarding claims 2-6 and 14-17, the applicant argued that, “...the combination of 3GPP and Oyama fails to cure the deficiencies of 3GPP and fail to disclose identifying a packet of a session to be intercepted based on media component information as recited in claims 1 and

13. Thus, the combination of 3GPP and Oyama fail to disclose or suggest all of the elements of claim 2-6 and 14-17. Furthermore, claims 2-6 and 14-17 should be allowed for at least their dependence upon claims 1 and 13 ...” in page 12.

In response to applicant's argument, the examiner respectfully disagrees with the argument above since 3GPP TS 33.107 clearly discloses the broadly claimed invention recited in claims 1 and 13 as set forth above.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Oyama is not required to disclose “identifying a packet of a session to be intercepted based on media component information” and “any type of packet identification used to intercept the packets” since 3GPP reference has already disclosed them, and the rejections are based on the combined system of 3GPP TS 33.107 and Oyama for claims 2-6 and 14-17. Thus, by virtue of dependency, claims 2-6 and 14-17 are not allowable over the combined system of 3GPP TS 33.107 and Oyama.

Regarding claims 7-9 and 19-21, the applicant argued that, “...Laiho does not teach or suggest identifying a session to be intercepted based on media component information... Laiho fail to cure the deficiencies of 3GPP and fails to disclose identifying a packet of a session to be intercepted based on media component information as recited in claims 1 and 13. Thus, the combination of 3GPP and Laiho fails to disclose or suggest all of the claims elements of claims

7-9 and 19-21. Furthermore, claims 7-9 and 19-21 should be allowed for at least their dependence upon claims 1 and 13 ...” in pages 12 and 13.

In response to applicant's argument, the examiner respectfully disagrees with the argument above since 3GPP TS 33.107 clearly discloses the broadly claimed invention recited in claims 1 and 13 as set forth above.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Laiho is not required to disclose “identifying a packet of a session to be intercepted based on media component information” and “any type of packet identification used to intercept the packets” since 3GPP reference has already disclosed them, and the rejections are based on the combined system of 3GPP TS 33.107 and Laiho for claims 7-9 and 19-21. Thus, by virtue of dependency, claims 7-9 and 19-21 are not allowable over the combined system of 3GPP TS 33.107 and Laiho.

Regarding claims 10-11, 22-23, and 25-26, the applicant argued that, “...Temoshenko does not disclose any type of packet identification used to intercept the packets. Furthermore, Temoshenko does not teach or suggest identifying a session to be intercepted based on media component information... Temoshenko fail to cure the deficiencies of 3GPP and fails to disclose identifying a packet of a session to be intercepted based on media component information as recited in claims 1 and 13. Thus, the combination of 3GPP and Temoshenko fails to disclose or suggest all of the claims elements of claims 10-11, 22-23 and 25-26. Furthermore, claims 10-11,

22-23 and 25-26 should be allowed for at least their dependence upon claims 1 and 13..." in page 13-14.

In response to applicant's argument, the examiner respectfully disagrees with the argument above since 3GPP TS 33.107 clearly discloses the broadly claimed invention recited in claims 1 and 13 as set forth above.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Temoshenko is not required to disclose "identifying a packet of a session to be intercepted based on media component information" and "any type of packet identification used to intercept the packets" since 3GPP reference has already disclosed them, and the rejections are based on the combined system of 3GPP TS 33.107 and Temoshenko for claims 10-11, 22-23 and 25-26. Thus, by virtue of dependency, claims 10-11, 22-23 and 25-26 are not allowable over the combined system of 3GPP TS 33.107 and Temoshenko.

Regarding claims 12 and 24, the applicant argued that, "...the combined system of 3GPP, Temoshenko and Oyama fails to disclose or suggest identifying a packet of a session to be intercepted based on media component information as recited in claims 1 and 13. Thus, the combination of 3GPP, Temoshenko and Oyama fails to disclose or suggest all of the claims elements of claims 12 and 24. Furthermore, claims 12 and 24 should be allowed for at least their dependence upon claims 1 and 13..." in page 14-15.

In response to applicant's argument, the examiner respectfully disagrees with the argument above since 3GPP TS 33.107 clearly discloses the broadly claimed invention recited in claims 1 and 13 as set forth above.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, neither Temoshenko nor Oyama is required to disclose "identifying a packet of a session to be intercepted based on media component information" and "any type of packet identification used to intercept the packets" since 3GPP reference has already disclosed them, and the rejections are based on the combined system of 3GPP TS 33.107, Temoshenko and Oyama for claims 12 and 24. Thus, by virtue of dependency, claims 12 and 24 are not allowable over the combined system of 3GPP TS 33.107, Temoshenko and Oyama.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to IAN N. MOORE whose telephone number is (571)272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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